

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

| | | |
|--------------------------|---|-------------|
| DANNY BARLOR, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CIV-15-66-D |
| |) | |
| ROBERT PATTON, Director, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

REPORT AND RECOMMENDATION

This is a 42 U.S.C. §1983 action filed by an Oklahoma prisoner appearing *pro se*. The matter has been referred to the undersigned for initial proceedings pursuant to 28 U.S.C. §636(b)(1)(B). Plaintiff has filed a motion for leave to proceed *in forma pauperis* and supporting affidavit. Having reviewed Plaintiff's motion and affidavit, and supplement to the motion, the undersigned finds that Plaintiff has sufficient financial resources to pay the filing fee. Because he does not qualify for authorization to proceed without prepayment of the filing fee, Plaintiff's motion should be denied, and he should be required to pay the full filing fee of \$400 for this action to proceed.

RECOMMENDATION

Based on the foregoing findings, it is recommended that the motion for leave to

proceed *in forma pauperis* be DENIED and the action be dismissed without prejudice unless Plaintiff pays the full filing fee to the Clerk of the Court by February 11th, 2015. Plaintiff is advised of his right to file an objection to this Report and Recommendation with the Clerk of this Court by February 11th, 2015 in accordance with 28 U.S.C. §636 and LCvR 72.1. The failure to timely object to this Report and Recommendation would waive appellate review of the recommended ruling. Moore v. United States of America, 950 F.2d 656 (10th Cir. 1991); cf. Marshall v. Chater, 75 F.3d 1421, 1426 (10th Cir. 1996) (“Issues raised for the first time in objections to the magistrate judge’s recommendation are deemed waived.”).

This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in the captioned matter.

ENTERED this 22nd day of January, 2015.


GARY M. PURCELL
UNITED STATES MAGISTRATE JUDGE